

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Streamlining the Commission's Rules and )  
Regulations for Satellite Application )  
and Licensing Procedures )

IB Docket No. 95-117

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**REPLY COMMENTS OF  
AMERICAN MOBILE SATELLITE CORPORATION**

American Mobile Satellite Corporation ("AMSC") hereby submits its Reply Comments in connection with the above-referenced Notice of Proposed Rulemaking ("NPRM"). As a leader in the development and provision of Mobile Satellite Service, AMSC is pleased with the support expressed by the commenters for the proposals set forth by the Commission to reduce the regulatory burden of its licensing procedures under Part 25 of the Rules. AMSC encourages the Commission to continue its efforts to streamline its procedures.

Among the proposals put forth by the Commission is the elimination of the automatic triggering of the thirty day "cut-off" period for the filing of mutually exclusive applications under Section 25.155(b) of the Rules in situations in which the original application appears on Public Notice as accepted for filing, but no "cut-off" date is specified in the Public Notice. NPRM at ¶12. The Commission instead proposes in all cases to provide specific notice of a "cut-off" date in the Public Notice, without which no "cut-off" period will be triggered. The Commission states that it is prompted to amend Section 25.155(b) because, at times, it appears to have created substantial confusion and uncertainty regarding whether a "cut-off" date has been triggered. Id.

In its comments, Loral/Qualcomm Partnership, L.P. ("LQP") endorses the proposal to

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modify Section 25.155(b). In support, LQP argues that “[a]doption of this proposal will eliminate confusion such as occurred when AMSC’s lower L-band application was placed on Public Notice as ‘accepted for filing’ in November, 1993.” LQP at 8. LQP’s reference is to the application of AMSC Subsidiary Corporation for Authority to Construct, Launch and Operate AMSC-1 in the 1530-1544/1626.5-1645.5 MHz Bands, File No. 59-DSS-MP/ML-93. That application appeared on Public Notice on November 3, 1993. As no “cut-off” period was specified in that Public Notice, the automatic “cut-off” provision under Section 25.155(b) applied to the application, and the “cut-off” window closed on December 3, 1993.

AMSC does not oppose the Commission’s proposal to eliminate the automatic “cut-off” provision of Section 25.155(b). However, any past confusion concerning the existence of a “cut-off” cannot fairly be attributed to any ambiguity in the existing rule. The rule provides two alternative mechanisms for the establishment of a “cut-off” period. Under Section 25.155(b)(2)(i), a “cut-off” date may be specified by public notice. Under Section 25.155(b)(2)(ii), if no “cut-off” date is specified in the public notice, then mutually exclusive applications must be submitted within thirty days after the date of the public notice listing the first of the conflicting applications as acceptable for filing. Thus, Section 25.155(b) presents two clear and specific ways in which a “cut-off” period may be triggered. While AMSC does not oppose the Commission’s further streamlining of this rule through the removal of one of these triggering mechanisms, this action should not be taken to suggest that the Commission’s current option of using automatic “cut-off” periods is in any way unclear or invalid, or that applications falling under this option are tainted by any procedural insufficiency. The Commission may wish to make this point in its order adopting the new rules promulgated in this proceeding.

AMSC’s application for the lower L-band, referred to by LQP, is a case in point.

AMSC's application appeared on public notice as acceptable for filing on November 3, 1993. As no "cut-off" period was specified in the text of the public notice, the automatic "cut-off" period under Section 25.155(b)(2)(ii) was triggered. That period ended on December 3, 1993. Contrary to LQP's characterization, there could be no confusion in that instance caused by the Commission's employment of the automatic "cut-off" period under Section 25.155(b)(2)(ii). Furthermore, as AMSC's application was accepted for filing and properly subjected to the automatic "cut-off" period, during which no mutually-exclusive applications were received, that application became ripe for grant. The ripeness of that application is in no way affected by the Commission's choice of "cut-off" triggering mechanisms.<sup>1/</sup>

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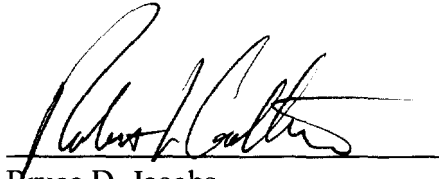
<sup>1/</sup> AMSC has also noted that, in this case, the Commission has ample authority to forego the "cut-off" process completely and grant AMSC's application as a matter of policy based on the evidence in the record that AMSC needs the additional spectrum and is uniquely positioned to use the lower L-band spectrum efficiently. See Consolidated Opposition and Reply of AMSC Subsidiary Corporation, File No. 59-DSS-MP/ML-93 (December 22, 1993).

**Conclusion**

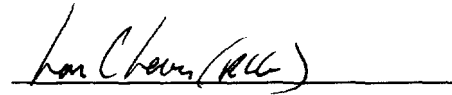
Therefore, for the reasons stated herein, AMSC urges the Commission to act in accordance with these Reply Comments.

Respectfully submitted,

**AMERICAN MOBILE SATELLITE  
CORPORATION**



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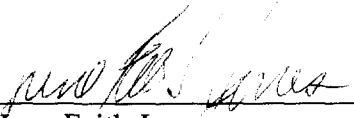
Dated: October 25, 1995

## **CERTIFICATE OF SERVICE**

I, June Faith Jones, a secretary to the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that on this 25th day of October, 1995, I served a true copy of the foregoing "Reply Comments" by first class United States Mail, postage prepaid, upon the following:

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